IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.408 OF 2004

The State of Maharashtra, .. Appellant
Vs
1. Sadashiv Ramchandra Kamble
and ors. .. Respondents

Ms. Usha Kejriwal, APP for the appellant.
Mr Prakash Naik for the respondent nos 1 to 3.

CORAM : D.B.BHOSALE, J.

DATED : 5th JUNE, 2006

P.C.:

1. Heard the learned A.P.P for the appellant and the learned counsel for the respondents.

2. This appeal is directed against the judgment and order of acquittal dated 6.12.2003. The respondents were charged, tried and acquitted for the offences punishable under sections 324, 323, 504, 506 r/w 34 of IPC. I perused the judgment and record and in particular the evidence of PW 2-Bhima and PW 4 Suresh. The notes of evidence clearly shows that the evidence of the witnesses is not consistent and moreover the medical evidence does not support the allegation made against the accused. The trial Court, on appreciation of the evidence, recorded a categoric finding that the presence of witnesses PW 5 Appasaheb as also Swapnil, one of the injured and who was not examined by the prosecution, creates doubt as to the

truthfulness of the statements of the witnesses. Even the scene of offence is also doubtful. Considering the reasons recorded by the trial court on appreciation of the evidence on record, in my opinion, they cannot be said to be unreasonable and perverse. The view taken by the trial court is reasonable and plausible. I find absolutely no substantial reason to interfere with the order of acquittal. The appeal against acquittal is accordingly dismissed in limine.

(D.B.BHOSALE,J.)